

4.0 ENVIRONMENTAL JUSTICE AND HUMAN POPULATION

4.1 Background

On February 11, 1994, President Clinton issued an “Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” designed to focus attention on environmental and human health conditions in areas of high minority populations and low-income communities, and promote non-discrimination in programs and projects substantially affecting human health and the environment (White House, 1994). The order requires the U.S. Environmental Protection Agency (EPA) and all other federal agencies (as well as state agencies receiving federal funds) to develop strategies to address this issue. The agencies are required to identify and address any disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and/or low-income populations.

In 1997, the U.S. EPA’s Office of Environmental Justice released the *Environmental Justice Implementation Plan*, supplementing the EPA environmental justice strategy and providing a framework for developing specific plans and guidance for implementing Executive Order 12898. Federal agencies received a framework for the assessment of environmental justice in the EPA’s *Guidance for Incorporating Environmental Justice Concerns in EPA’s NEPA Compliance Analysis* in 1998. This approach emphasizes the importance of selecting an analytical process appropriate to the unique circumstances of the potentially affected community.

While many state agencies have utilized the EPA’s *Environmental Justice Implementation Plan* as a basis for the development of their own environmental justice strategies and policies, as of yet the majority of California state agencies do not have guidance for incorporation of environmental justice impact assessment into CEQA analysis. The State Air Resources Board has, for example, examined this issue and has received advice from legal counsel, by a memorandum entitled “CEQA AND ENVIRONMENTAL JUSTICE”. This memorandum states, in part, “For the reasons set forth below, we will conclude that CEQA can readily be adapted to the task of analyzing cumulative impacts/environmental justice whenever a public agency (including the Air Resources Board (ARB), the air pollution control districts, and general purpose land use agencies) undertakes or permits a project or activity that may have a significant adverse impact on the physical environment. All public agencies in California are currently obliged to comply with CEQA, and no further legislation would be needed to include an environmental justice analysis in the CEQA documents prepared for the discretionary actions public agencies undertake.”

Under AB 1553, signed into law in October 2001, the Governor’s Office of Planning and Research (OPR) is required to adopt guidelines for addressing environmental justice issues in local agencies’ general plans. Currently, the OPR is in the process of updating the General Plan Guidelines to incorporate the requirements of AB 1553.

4.2 California State Lands Commission Policy

The California State Lands Commission (CSLC) has developed and adopted an Environmental Justice Policy to ensure equity and fairness in its own processes and procedures. The CSLC adopted an amended Environmental Justice Policy on October 1, 2002, to ensure that “Environmental Justice is an essential consideration in the Commission’s processes, decisions and programs and that all people who live in California have a meaningful way to participate in these activities.” The policy stresses equitable treatment of all members of the public and commits to consider environmental justice in its processes, decision-making, and regulatory affairs which is implemented, in part, through identification of, and communication with, relevant populations that could be adversely and disproportionately impacted by CSLC projects or programs, and by ensuring that a range of reasonable alternatives is identified that would minimize or eliminate environmental impacts affecting such populations. This discussion is provided in this document consistent with and in furtherance of the Commission’s Environmental Justice Policy. The staff of the CSLC is required to report back to the Commission on how environmental justice is integrated into its programs, processes, and activities (CSLC, 2002).

4.3 Proposed Project and Removal Alternatives Impact Analysis

a. Proposed Project

As described within Section 2.9 (Land Use and Planning), the proposed project area occupies a portion of State Lease PRC 2180.1. The proposed project site is located in the nearshore marine environment; therefore, it is not located within an area established for residential use. However, this area may be utilized for recreational purposes.

Surrounding land uses consist primarily of coastal energy facilities, including Reliant Energy Mandalay, L.L.C. (Reliant) electric generating station and Torch Mandalay Oil Processing Facility, which occupy approximately 52 acres 1/8-mile directly east of the project site. Further east of the Reliant station is Harbor Boulevard and agricultural fields. The project site is bound to the east/north by oil related-facilities, a go-cart track, as well as McGrath State Park and McGrath Lake. Mandalay Beach and the Oxnard Shores coastal community are located south of the project area. Based on the fact that the 214-foot pipeline segment is located offshore, no recognized low-income or minority neighborhoods exist in proximity to the project site.

Due to the fact that the project site is not located within proximity to low income or minority neighborhoods, no impacts to this demographic would result. The proposed project involves abandonment, in place, of a pipeline segment offshore of Mandalay Beach. This would not involve employment of any persons, and no housing would be impacted by the project, therefore no relocation of persons would be required.

Recreational use of the project site or adjacent beach by low-income or minority populations may occur; however, if the CSLC consents to abandon the pipeline segment in-

place, an abandonment agreement between SCE and CSLC will be developed in order to address future liability concerns and responsibilities. Specifically, an action plan will be developed that addresses suggested mitigation measures and procedures that would be implemented in the unlikely event of pipeline exposure.

Therefore, the proposed project (none of the Pipeline Segment Removal Alternatives) would not result in a significant environmental justice impact.

Mitigation and Residual Impacts

No mitigation is necessary; residual impacts would not result.

b. Removal Alternatives

In the event that an alternative to the proposed project is chosen, Removal Alternatives A-D would require an approximate construction period of 30-90 days. During this time, temporary construction-related impacts would be experienced by beach-goers that may include low-income or minority populations. However, given mitigation measures identified within Section 3.6 (Pipeline Segment Removal Alternatives Impact Analysis), these impacts would be insignificant.

Mitigation and Residual Impacts

No mitigation is necessary; residual impacts would not result.

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